IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8271 OF 2007

Krishna Jyoti Ghatge .. Petitioner

Versus

The Director & Registrar Coop.

Housing Societies, M.S. .. Respondent

Mr.Umesh Desai for petitioner

Mr.R.M.Patne, A.G.P. for State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 26th November 2007

P.C.

. Mentioned not on board.

2. This is an application preferred by the

petitioner for leave to sue the liquidator. Leave has been granted on the ground that the merits of the case do not warrant impleading the liquidator or grant of leave.

3. Having perused the order passed by the Director, Handloom and Textile Industries & Dy.Registrar, Coop.Societies, State of Maharashtra, I am of the view that the authority was not required to go into the merits of the case and find out whether the claim of the concerned workman was tenable or not. All that was required to be done by him was to consider an application to continue the proceedings against the liquidator of the Deccan Coop.Spinning Mills Ltd. In such limited nature of proceedings all other aspects were not necessary to be gone into. Even otherwise, the order is contrary to the Division Bench decision of this Court, in the case of Waman Vyentakesh Ruikar Vs. Registrar, Coop.Societies, M.S. Pune and Ors., reported in

2002 III CLR 981.

4. In the result, petition succeeds. Impugned order is set aside. Application made before the concerned authority is granted.

5. It is open for the petitioner to now proceed with the pending matter after impleading the liquidator as party.

(S.C.Dharmadhikari, J)